

**Date:** June 30, 2017

**CYF Memo:** # 05-16/17

**To:** CYF Mental Health System of Care Providers

**From:** Yael Koenig, CYF Deputy Director

**Re:** AB1299

**Presumptive (Automatic) Transfer of Mental Health Services Obligation to the County of Residence for Out-of-County (OOC) Foster Youth who are Medi-Cal Beneficiaries and require Specialty Mental Health Services**

Assembly Bill No. 1299 was approved by the Governor on September 25, 2016 and aims to ensure timely access to mental health services for foster children who are placed outside of their county of original jurisdiction. The Bill requires the Department of Health Care Services (DHCS) to issue policy guidance that establishes the presumptive transfer of responsibility and payment for providing or arranging for mental health services to foster children from the county of original jurisdiction to the foster child's county of residence. DHCS is expected to release policy guidance before July 1, 2017 and adopt regulations by July 1, 2019.

**Presumptive transfer** (W & I Code 14717.1) means that absent any exceptions, responsibility for providing or arranging for specialty mental health services automatically transfers from the county of original jurisdiction (placing county) to the county in which the foster child resides (host or county of residence). On a case by case basis, any interested party who owes a legal duty to the child may request a waiver to the presumptive transfer under the following conditions:

- The transfer would disrupt continuity of care or delay access to services provided to the foster child.
- The transfer would interfere with family reunification efforts documented in the individual case plan.
- The foster child's placement in a county other than the county of original jurisdiction is expected to last less than six months.
- The foster child's residence is within 30 minutes of travel time to his or her established specialty mental health services provided in the county of original jurisdiction.

**Effective July 1, 2017** the County of San Diego, Behavioral Health Services (BHS) contracted providers (outpatient and residential) will implement the following processes to allow for foster youth with out-of-county Medi-Cal to be served through San Diego BHS contracts. This process is to be followed for new admissions effective July 1, 2017.

- Contractors will continue to complete the Service Authorization Request (SAR) as outlined under SB785 and track out-of-county admissions.
- Out-of-county foster youth who are assessed to meet service requirements shall be served under the San Diego County contracts following local service provision and utilization management processes. The services shall be entered into the San Diego Management Information System (MIS) known as Cerner or CCBH.

**Residential providers** who admit a foster youth with out-of-county Medi-Cal within the BHS county contract will complete an AB1299 Admission and AB1299 Monthly Summary Report submitted to the Contracting Officer Representative (COR) within the 15<sup>th</sup> day of the following month. The templates will be provided by BHS and track out-of-county (OOC) foster youth enrollment (presumptive transfers) as well as confirm eligibility for services at a Group Home or STRTP level of care. The tools shall track the following year to date elements:

- Total program capacity, and total bed days capacity for the fiscal year
- Total San Diego clients, and total bed days utilized YTD
- Total OOC foster clients (presumptive transfers), and total bed days utilized YTD
- Total OOC AAP and KinGAP clients with San Diego connection, and total bed days utilized YTD (SB785)
- For each OOC foster youth admitted under presumptive transfer the Admission Report shall outline:
  - Client initials
  - Date of Admission
  - Date of Discharge
  - County of original jurisdiction (placing county)
  - Confirm that a current SAR is on file with necessary authorization through placing county
  - Confirm that placing county provided written documentation that Interagency Placement Committee (IPC) recommended/approved Group Home/STRTTP level of care
  - Confirm that placing county provided written documentation that lower level of interventions were insufficient and Group Home/STRTTP level of care is warranted
  - Confirm that client meets Medical Necessity, is SED, and the level of Specialty Mental Health Services offered through the San Diego County contract is necessary to address clients' needs
  - Confirm that placing county has documented commitment to be an active part of the Child and Family Team (CFT) and participate in all necessary CFT meetings.

Outpatient and residential treatment providers are to consider all the reasons for a presumptive transfer waiver for out-of-county foster youth Medi-Cal beneficiaries and promptly alert, in writing, the county of original jurisdiction (placing county) as well as the program COR if the child/youth may meet one of the presumptive transfer waiver/exception items.

At this time, the procedures utilized for SB785 that are not impacted by AB1299 continue to be in effect and followed. That is, Medi-Cal beneficiaries from out-of-county who have a San Diego connection/caregiver and are under the Aid to Adoptive Parents (AAP) or Kinship Guardianship Assistance Payment Program (KinGAP) may continue to receive services from San Diego BHS contractors following existing procedures (See Organizational Provider Operations Handbook Section D for details).

Please reference AB1299 bill for full details. Upon release of additional direction from DHCS, CYF will provide local guidance to impacted BHS contractors. For questions, input, or concerns, please contact the program COR.

**Attached document has three tabs:** 1. AB1299 Admission Report 2. AB1299 Monthly Summary Report 3. Optional AB1299 Tracking Tool

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